

December 19, 2018



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 15872  
(SECOND REVISION)

**EXPIRATION DATE: 2022-11-30**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: KMG Electronic Chemicals, Inc.  
Fort Worth, TX
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of 69.5% Nitric acid in non-DOT specification one-time use HDPE plastic drums. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
  - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.158(f)(1) in that alternative packaging is authorized.
5. BASIS: This special permit is based on the application of KMG Electronic Chemicals, Inc. dated December 7, 2018 and submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Nitric acid other than red fuming, with more than 65% but not more than 70% nitric acid	8	UN2031	II

7. SAFETY CONTROL MEASURES:a. PACKAGING:

(1) Prescribed packagings are 214 liter UN 1H1 non-removable head plastic drums as described by Aicello Milim Co., LTD's "Drum Specification (G Type)," dated June 30, 2008, on file with the Office of Hazardous Material Approvals and Permits Division.

(2) Each drum must be permanently marked "ONE TIME USE ONLY" in a readily visible place in lettering no less than 12 mm in height.

(3) Used drums must be returned to KMG Electronic Chemicals, Inc.'s contracted warehouse for disposal.

(4) Drums shall not be used more than two years from the date of manufacture.

b. OPERATIONAL CONTROLS:

(1) Packages must be maintained in a temperature controlled environment of 65-70°F (18-21°C) during filling, storage, and shipment.

(2) The Bill of Lading must indicate the range and set point for the trailer's temperature control.

(3) The driver's initial Bill of Lading must indicate an understanding of the temperature control requirements.

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(4) Packages must be shipped by contract carrier under the exclusive use of KMG Electronic Chemicals, Inc.

(5) The product labels must indicate the acceptable temperature storage range.

(6) The drums must be emptied and returned no more than six months after the initial date of filling.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each drum must be plainly and durably marked "DOT-SP 15872" as specified in § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm). Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Andrew Eckenrode